

### **REMARKS**

Claims 1-3, 6, 14-16, 18-23, 41-47 and 51-57 are currently pending. In the Office Action mailed July 31, 2002, (i) claims 1-2, 14-16, 18-23, 41-43, 45-47, and 51-53 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,999,965 ("Kelly '965"), (ii) claims 1, 20, 41, 47, and 51-53 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 5884032 ("Bateman '032"); (iii) claims 3 and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kelly '965 in view of U.S. Patent No. 6,285,364 ("Giordano '364") and further in view of U.S. Patent No. 6,046,762 ("Sonesh '762"); and (iv) claim 44 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Kelly '965 in view of U.S. Patent No. 6,275,574 ("Oran '574). Claims 54-57 are allowed.

Based in part on Applicant's telephonic discussion with Examiner Hoosain on December 31, 2003, Applicant has amended Independent Claims 1, 20, 41, 51, 52, and 53.

Applicants gratefully thank Examiner Hoosain for the telephonic interview on December 31, 2003. During these discussions, the pending claims and certain allowable subject matter was also discussed. The Examiner stated that certain of the then pending claims should be amended to more clearly specify a novel aspect of Applicants' presently claimed invention: that the commercial messages are downloaded from the commercial server. Pending Independent Claims 1, 20, 41, 51, 52, and 53 have been amended to more clearly specify this feature.

No new matter has been added. Downloading commercial messages to the voice communicating device is clearly explained throughout the Applicants' Specification. For example, as Applicants' explain, with respect to Figure 1, a commercial message server 120, connected to the data network 106, transports commercial messages to voice communications devices 108a, 108b. The commercials are stored in a commercial message database 122. During

a voice connection to which, for example, voice communication device 108a is a party, the commercial message server 120 may provide commercial messages for transport to the voice communication device 108a.

The commercial messages may be received at the voice communication device 108a and displayed on the display 116. The commercial messages may include image and text that advertise for a merchant. The commercial messages may also include speed dial messages that may program a speed dial key to initiate a connection to the merchant when pressed.

The commercial message server 120 is shown coupled to data network 106, but may also be coupled to the first or second access networks 112 and 114. An advertisement database 122 may be included with the commercial message server 120 to maintain commercial messages.

The commercial message server 120 may be used by a telephony service provider to offer advertisement for revenue services to merchants. The merchants may be subscribers of telephony services from the service provider and use advertisement services as an option. Advertisements that a merchant may want to have transported for display on voice communication devices may be stored in the advertisement database.

The commercial message server 120 and data base 122 may be used by a data services provider (such as an Internet Service Provider, or ISP) to download messages on voice connections to the voice communication devices 108. The ISP may receive connection information from the telephony service provider and use the connection information to determine destination voice communication devices 108 to which to send advertisements. The advertisements may be sent as commercial messages that include speed dial messages. (Applicants' Specification page 15 lines 27 to page 16 lines 1-2).

Applicant respectfully submits that, in view of the remarks above, the present application is now in condition for allowance and solicits action to that end. If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is respectfully requested to contact Applicant's undersigned representative.

Respectfully submitted,

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